

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ASHTON SMITH,

Plaintiff,

Case No. 2:23-cv-11509  
Hon. Brandy R. McMillion

v.

Mag. Judge David R. Grand

DONALD HAIDERER,  
SUSAN MCCUALEY,  
and JANE DOE,

Defendants.

/

**OPINION AND ORDER ADOPTING RECOMMENDED DISPOSITION OF  
REPORT AND RECOMMENDATION (ECF NO. 87) AND DENYING  
PLAINTIFF'S MOTION OF JUDICIAL NOTICE AND FOR EMERGENT  
INTERVENTION (ECF NO. 69)**

*Pro se* Plaintiff Ashton Smith, an inmate in the Michigan Department of Corrections, brings this action against defendants Donald Haiderer, Susan McCauley, and Jane Doe (collectively, “Defendants”), under 42 U.S.C. § 1983 and the Americans with Disabilities Act. ECF No. 1. Smith alleges that Defendants have neglected his serious visual impairment resulting in him becoming “legally blind.”

*Id.*

This matter was originally assigned to the Honorable Stephen J. Murphy, III, but reassigned to the undersigned on April 2, 2024. On April 4, 2024, this Court referred all pretrial matters to Magistrate Judge David R. Grand. ECF No. 33. On

October 16, 2024, Smith filed a Motion of Judicial Notice and for Emergent Intervention. ECF No. 69. On January 27, 2025, after several hearings on the issues raised in Smith's Motion, Magistrate Judge Grand issued a Report and Recommendation (R&R) recommending that the undersigned deny Smith's Motion. *See generally* ECF No. 87. At the end of the R&R, the Magistrate Judge advised the parties that to seek review of his recommendation, they had to file specific objections with the Court within 14 days of service of the R&R. *Id.* at PageID.1816-1817.

As of the date of this Order, February 21, 2025—25 days since the Magistrate Judge filed the R&R—none of the parties have filed objections to the R&R or contacted the Court to ask for more time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also Ivey v. Wilson*, 832 F.2d 950, 957-58 (6th Cir. 1987) (explaining that a party's failure to timely object to a report and recommendation allows a court to accept the recommendation “without expressing any views on the merits of the magistrate’s conclusions”). Similarly, failure to object to an R&R forfeits any further right to appeal. *See Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019) (recognizing that a party forfeits their right to appeal by failing to timely file objections to an R&R).

Accordingly, because no objections to the R&R have been filed, **IT IS  
HEREBY ORDERED** that the Magistrate Judge's recommended disposition of Smith's Motion (ECF No. 87) is **ADOPTED**.

**IT IS FURTHER ORDERED** that Smith's "Motion of Judicial Notice and for Emergent Intervention" (ECF No. 69) is **DENIED**.

**IT IS SO ORDERED.**

Dated: February 21, 2025

s/Brandy R. McMillion  
Hon. Brandy R. McMillion  
United States District Judge